

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEPHEN F.P. CIOLINO,

Plaintiff,

v.

RIVAS, et al.,

Defendants.

Case No. 3:23-cv-00075-ART-CSD

ORDER

This action began with a pro se civil rights complaint filed under 42 U.S.C. § 1983 by a state prisoner. Plaintiff has applied to proceed *in forma pauperis*. (ECF No. 1). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on March 23, 2023. (ECF No. 3). The screening order imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF Nos. 3, 6, 9). A settlement was not reached at the mediation conference. (See ECF No. 10).

For the foregoing reasons, **IT IS ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**. Plaintiff will not be required to pay an initial installment of the filing fee. But even if this action is later dismissed or otherwise unsuccessful, the full filing fee must still be paid under 28 U.S.C. § 1915(b)(2).

2. Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor.

3. Under 28 U.S.C. § 1915, as amended by the Prison Litigation Reform Act, the Nevada Department of Corrections will forward payments from the account of **STEPHEN F. CIOLINO, #84670** to the Clerk of the United States District Court, District of Nevada, 20% of the preceding month's deposits (in months that the account exceeds \$10) until the full \$350 filing fee has been paid for this action. The Clerk of the Court will

1 send a copy of this order to the Finance Division of the Clerk's Office. And the Clerk will
2 send a copy of this order to the attention of **Chief of Inmate Services for the Nevada**
3 **Department of Corrections** at formapauperis@doc.nv.gov.

4 4. The Clerk of the Court will electronically **SERVE** a copy of this order and a
5 copy of Plaintiff's complaint (ECF No. 4) on the Office of the Attorney General of the State
6 of Nevada by adding the Attorney General of the State of Nevada to the docket sheet.
7 This does not indicate acceptance of service.

8 5. Service must be perfected within ninety (90) days from the date of this order
9 pursuant to Fed. R. Civ. P. 4(m).

10 6. Subject to the findings of the screening order (ECF No. 3), within twenty-
11 one (21) days of the date of entry of this order, the Attorney General's Office will file a
12 notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it
13 accepts service; (b) the names of the defendants for whom it does not accept service,
14 and (c) the names of the defendants for whom it is filing the last-known-address
15 information under seal. As to any of the named defendants for whom the Attorney
16 General's Office cannot accept service, the Office will file, under seal, but will not serve
17 the inmate Plaintiff the last known address(es) of those defendant(s) for whom it has such
18 information. If the last known address of the defendant(s) is a post office box, the Attorney
19 General's Office will attempt to obtain and provide the last known physical address(es).

20 7. If service cannot be accepted for any of the named defendant(s), Plaintiff
21 will file a motion identifying the unserved defendant(s), requesting issuance of a
22 summons, and specifying a full name and address for the defendant(s). For the
23 defendant(s) as to which the Attorney General has not provided last-known-address
24 information, Plaintiff will provide the full name and address for the defendant(s).

25 8. If the Attorney General accepts service of process for any named
26 defendant(s), such defendant(s) will file and serve an answer or other response to the
27 complaint (ECF No. 4) within sixty (60) days from the date of this order.
28

DATED THIS 28th day of June 2023.

UNITED STATES MAGISTRATE JUDGE